

March 6, 2022

BY HAND

Judge Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

RE: United States v. Schulte, SS 17 Cr. 548 (JMF)

Dear Judge Furman:

I write to notify the Court that I am unable to meet the 3/11 Omnibus Reply Deadline. The Court gave me 2 weeks to file the reply; however, the government's opposition was filed classified pending review, and I did not receive it until Friday 3/4. I had other classified briefs due that day and have yet to even read the government's opposition. Since the opposition is classified and I attend SCIF twice per week, 14 days of SCIF would take 7 weeks. I ask for 6 SCIF days, or 3 weeks until 3/25/22.

I note for the Court that 6 SCIF days may not be sufficient, in which case I will request more time. The most difficult part will be case law review - in accordance with the rules governing classified material, I cannot merely copy government cases to remove from the SCIF and search at the MDC. Although it sounds absurd, since the government did not portion mark the cited cases as unclassified, I do not have the authority to declare them unclassified and remove the cited cases from the SCIF; this would be a security violation. Accordingly, I may be unable to file any reply until the CTA completes its classification review and files an unclassified version.

Respectfully Submitted,

Josh Schulte

Art Schulte